

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

Danville Division

SONS OF CONFEDERATE VETERANS,	)	
INC., and VIRGINIA DIVISION OF	)	
SONS OF CONFEDERATE VETERANS,	)	
INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 7:99-CV-00530 -- JLK
	)	
RICHARD D. HOLCOMB,	)	
COMMISSIONER, Virginia Department	)	
Of Motor Vehicles,	)	
	)	
Defendant.	)	

**MOTION TO VACATE  
JUDGMENT AND TO DISSOLVE INJUNCTION**

Defendant Richard D. Holcomb, Commissioner of the Virginia Department of Motor Vehicles, by counsel and pursuant to Federal Rule of Civil Procedure 60(b)(5) and 60(b)(6), moves to vacate the judgment and to dissolve the injunction, entered January 18, 2001 (Dkt. 24), enjoining enforcement of the second sentence of Virginia Code § 46.2-746.22. The injunction required the Department of Motor Vehicles to permit the Confederate-flag emblem to be included on specialty license plates issued to members of the Sons of Confederate Veterans. In light of the Supreme Court's decision last week in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, No. 14-144, 2015 WL 2473375 (U.S. June 18, 2015)—holding that specialty license-plate designs constitute government speech, not private speech—the legal basis for the prior judgment and injunction in this case is no longer valid and continuing the injunction would be inequitable. Accordingly, for the reasons stated in the accompanying brief, the judgment should be vacated and the injunction dissolved.

Respectfully submitted,

RICHARD D. HOLCOMB, Commissioner of the  
Virginia Department of Motor Vehicles

By: \_\_\_\_\_ /s/  
Janet L. Westbrook (VSB # 44649)  
Senior Assistant Attorney General  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-4596  
(804) 786-9136 (fax)  
[jwestbrook@oag.state.va.us](mailto:jwestbrook@oag.state.va.us)

Mark R. Herring  
Attorney General of Virginia

Stuart A. Raphael (VSB #30380)  
Solicitor General of Virginia  
sraphael@oag.state.va.us

Jeffrey M. Bourne (VSB #75951)  
Deputy Attorney General  
jbourne@oag.state.va.us

Rhodes B. Ritenour (VSB #71406)  
Deputy Attorney General  
rritenour@oag.state.va.us

Trevor S. Cox (VSB #78396)  
Deputy Solicitor General  
tcox@oag.state.va.us

Carly L. Rush (VSB #87968)  
Attorney General of Virginia  
crush@oag.state.va.us

## CERTIFICATE OF SERVICE

I certify that on June 26, 2015, a true copy of this document was filed electronically with the Clerk of the Court using the CM/ECF system, which will then send an electronic notification to the Plaintiffs' counsel of record.

---

/s/  
Janet L. Westbrook